FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2714 OF 2006

IN

WRIT PETITION NO.4634 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms R.P.Phadke, for the petitioners.
Mr N.V.Walavalkar i/b Mr G.H.Keluskar, for respondent nos 1(a) to 1(c),2.

CORAM: D.B.BHOSALE,J.
DATED: 12.01.2007

P.C.:

Heard the learned counsel for the parties.

By this civil applications, the petitioners are seeking extension of time to vacate the suit premises. It appears that while disposing of the writ petition vide order dated 11.9.2006, this court had granted two months time to the petitioners to vacate the suit premises. The matter was thereafter carried to the Supreme Court and the Supreme Court, while disposing of the SLP, observed that dismissal shall not come in the way of this court for granting time to the petitioners to vacate the premises if a prayer is made in that behalf. Hence, the petitioners have filed

this application. Since the date of dismissal of the writ petition, more than four months have passed. Keeping that in view and considering the overall facts and circumstances of the case, the petitioners are granted time to vacate the suit premises on or before 31.1.2007, subject to filing of an usual undertaking of the petitioner no.2. The earlier undertaking shall also remain operative till the disputed premises are handed over to the decree holder. The undertaking of petitioner no.2 be filed during the course of the day, failing which it will be open for the decree holder to execute the decree. If the undertaking, as aforestated, is not filed during the course of the day, it will also be open for the decree holder to file contempt proceedings if they so desire. I am not granting more time in view of the admitted fact that the suit premises is lying vacant and nobody is residing in the same since long.

With these observations, the civil application is disposed of.

(D.B.BHOSALE,J.)